

REMARKS

Applicant thanks the Examiner for the careful consideration given the present application.

Claims 1, 5, and 7-12 are pending. Claims 3 and 4 were previously canceled without prejudice or disclaimer and claims 2 and 6 are now canceled without prejudice or disclaimer. Claims 1 and 5 have been amended to include, respectively, the subject matter from canceled claims 2 and 6. Claims 7-10 have been added better describe the specifying of the range in terms of specifying the reproduction time (as in step S3-B, for example) or the reproduction start and end points (as in steps S3-A and S3-C, for example). New claims 11 and 12 have been added to include the subject matter of plural divided range groups per predetermined time as described relative to FIG. 6, at page 5, lines 2-5 of the specification, for example. Accordingly, it is believed to be clear that the present amendment does not introduce any new matter.

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

AMENDMENT ENTRY

As noted in M.P.E.P. §707.07(e), an amendment that will place the application either in condition for allowance or in better form for appeal should be entered. In addition, as the outstanding Action has misinterpreted the existing language of previously presented Claims 1 and 5 and/or the reasonable teachings of Gabler et al. (U.S. Patent 6,300,959 B1) as noted below, withdrawal of the outstanding rejection and entry of the present amendment is respectfully submitted to be clearly in order.

THE 35 U.S.C. §103 REJECTION OF CLAIMS 1, 2, 5 AND 6

Claims 1, 2, 5, and 6 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ando et al. (U.S. Patent 7,178,159 B1) (hereinafter "Ando") in view of Gabler and further in view of Portuesi (U.S. Patent 6,599,067 B1). This rejection is traversed.

The rejection of canceled claims 2 and 6 is considered to be moot.

With regard to independent claims 1 and 5, and as noted in the last response, for a section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P.*

2142. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

As further noted in the last response, claim 1 was therein amended to recite, *inter alia*, “An image sending apparatus, comprising: ... ***a reproduction range specifying unit which specifies a reproduction range of the specified movie file; an extraction unit which extracts N pieces of static image from the specified movie file based on the reproduction range; an animation image set up unit which creates an animation image file of either animation GIF format or MNG format based on the extracted N pieces of static image; ...***” It is noted that independent method claim 5 contains a similar limitation in method claim format.

The outstanding Action acknowledges that Ando fails to teach the “extraction unit” and resulting GIF format or MNG format animation image file that are required by this previous claim 1 amendment (at page 3, lines 8-11). The outstanding Action turns to Gabler to provide for these deficiencies of Ando as to independent claims 1 and 5.

However, Gabler only teaches extracting portions of an existing animated GIF data stream to reduce its size as taught at col. 5, lines 35-61, as to animated image reduction processing 300, for example, and at col. 7, line 31-col. 8, line 40 as to exemplary condensed GIF data stream 500, for example. There is nothing taught here or in Ando that even remotely suggests the requirement for “***a reproduction range specifying unit which specifies a reproduction range of the specified movie file***” that must be present for the claimed “extraction unit” to extract “***N pieces of static image from the specified movie file based on the reproduction range,***” or the similar method recitals of independent method claim 5.

Instead of any “reproduction range specifying unit” or step to specify any “range” as to some specified movie file, Gabler simply extracts (removes) individual blocks like “comment blocks” or “comments C1, C2, and C3” (col. 7, lines 38-39) and other unimportant blocks or teaches that “alternative ones of the associated control blocks and image blocks are discarded from the animated GIF data stream 200” (see col. 7, lines 41-43). This discarding of blocks is

how the thinning of the animated GIF data stream 500 “by approximately one-half” relative to GIF data stream 200 is accomplished.

Thus, to whatever extent the Gabler teaches “thinning” to reduce the size of an animated GIF stream and a corresponding reduction of needed image storage space along with an accelerated delivery of animated images to end users as urged at page 4, lines 4-8, of the outstanding Action, this Gabler “thinning” by discarding parts of an animated GIF data stream is not the same as the extraction of the present invention that requires extracting “N pieces of static image from the specified movie file based on the reproduction range.” In this last regard, the claimed extraction of “N pieces of static image from the specified movie file based on the reproduction range” is not being done to provide a reduced size animated GIF stream to reduce image storage space and accelerate delivery of animated images to end users. Instead, it is done to create an animated image file of GIF or MNG format made up of the extracted “N pieces of static image from the specified movie file.” On the other hand, whatever Gabler extracts is taught to be discarded so there is no creation of an animated image file of GIF or MNG format made up of the extracted “N pieces of static image from the specified movie file.” The criteria for this Gabler taught extraction is further not the claimed specifying of a reproduction range as the only criteria is that blocks are removed to reduce the size of the animated GIF stream with the extracted blocks then being discarded.

Ando also teaches compression for producing compressed moving picture data from the still image data. More specifically, Ando converts JPEG still image data into compressed movie data with a stepwise image quality complementing process. In particular, Ando performs quantizing process on the difference between an original image and an image transmitted by quantizing the original image by using finer value than the previous quantizing step value when displaying still image in an enlarged manner on a terminal to minimize image quality deterioration.

Thus, neither Ando nor Gabler teach or suggest the required ***“reproduction range specifying unit which specifies a reproduction range of the specified movie file,”*** as recited in claim 1. In addition, neither Ando nor Gabler teach or suggest the required ***“extraction unit which extracts N pieces of static image from the specified movie file based on the reproduction***

range,” as also recited in claim 1. As discussed above, Ando and Gabler also both fail to specify the claimed reproduction range and Gabler simply randomly removes GIF animated blocks that are the least likely to destroy the essential character of the existing animated GIF data to reduce the size of the GIF data. Therefore, even if the artisan were to attempt to modify the Ando JPEG still image data compression into the Gabler taught dissimilar animated GIF file condensation, the result has nothing to do with the subject matter of independent claims 1 and 5 requiring the above noted reproduction range being specified and the resulting extraction to be performed based on this specified range.

In addition, the outstanding Office Action suggests the combination of Portuesi with Ando and Gabler. However, Portuesi merely teaches specifying format of the movie file and does not correct the above noted deficiencies of Ando and Gabler. Therefore, for at least these above-noted reasons, independent claims 1 and 5 are respectfully submitted to be clearly patentably distinguishable from Ando, Gabler, and Portuesi taken alone or together in any proper combination.

Accordingly, Applicant respectfully requests that the rejection of claims 1 and 5 should be withdrawn and the present amendment entered along with formal allowance of amended claims 1 and 5.

New Claims 7-12

New claims 7 and 9 specify that the specifying of the reproduction range of the specified movie file recited by their parent claims 1 and 5 is done by “specifying a reproduction time of the specified movie file.” This subject matter is clearly not taught by any of Ando, Gabler, and Portuesi taken alone or together in any proper combination. Thus, new claims 7 and 9 not only patentably define over Ando, Gabler, and Portuesi taken alone or together in any proper combination for the same reasons that their respective parent claims do, they also patentably define over these applied references because of this added range specifying feature.

New claims 8 and 10 specify that the specifying of the reproduction range of the specified movie file recited by their parent claims 1 and 5 is done by “specifying a starting point and ending point of the specified movie file.” This subject matter is clearly not taught by any of

Ando, Gabler, and Portuesi taken alone or together in any proper combination. Thus, new claims 8 and 10 not only patentably define over Ando, Gabler, and Portuesi taken alone or together in any proper combination for the same reasons that their respective parent claims do, they also patentably define over these applied references because of this added range specifying feature.

New claims 11 and 12 specify that the reproduction range of the desired movie file recited by their parent claims 1 and 5 is further divided “into plural range groups per predetermined time” and that “animated image files of animated GIF format or MNG format” are created “for each divided range group.” This permits obtaining consecutive animated image files even when the specified reproduction range is long or when there is a storage limitation as to downloading an animated GIF or MNG format file. Thus, new claims 11 and 12 not only patentably define over Ando, Gabler, and Portuesi taken alone or together in any proper combination for the same reasons that their respective parent claims do, they also patentably define over these applied references because of this added dividing and creating feature.

CONCLUSION

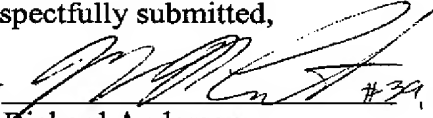
In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Raymond F. Cardillo Reg. No. 40,440 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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